

state has entered into Class III gaming, then Indian tribes are allowed on Indian lands to have the same opportunity. And what we do there in Section 70 is ask the Governor, request, actually mandate that the Governor enter a compact so we're not in a lawsuit because really what happens is in many cases, rather than a compact, the tribes will have to sue in order to be recognized in federal court and rather than go through that process, it is just much easier to say, Governor, go compact with them within 180 days so they don't have to spend money suing us, we don't have to spend money defending our position whatever that may be, let's go about recognizing that they are an entity, they've been recognized by the federal government and let's just take care of that issue and get it off the table. The other process by which it would take would be they would go to court to derive the same benefit that they would get through the compact more than likely.

SENATOR WITEK: Is it also part of that federal law to instruct that the final decision on whether that would be allowed or not is with the Governor of the state?

SENATOR HALL: Well the law currently allows that they can, the Governor could compact at present and they, in other words, Governor Nelson, if he so chose, could compact with the Indians right now to allow them to do that on their land. He has chosen not to and since we don't have any Class III gaming in Nebraska, they don't have the basis for the suit.

SENATOR WITEK: So given that we have a Governor now and we'll have that same Governor more than likely within 180 days, January 1, 1996, then essentially we're telling the faction from the tribes asking for gambling that they're not going to get it because the Governor will probably not give it to them.

SENATOR HALL: Well the Governor would, I mean if this portion of the bill...and there's some people that have a problem with this, I think it raises an issue, I don't think it raises an issue, I think it deals with an issue directly that's out there. The question is, do they have to sue or do they go and work the compact route with the executive branch of government? If it were to come out, if the Governor were to say, no, I'm not going to compact, then they just go to court and they go through that process, one they're very familiar with in terms of accessing the option that they currently enjoy under federal law.